Single Bench

(1) (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGARH

W.P. NO. 4646 OF 2004

Petitioner

4707/04

P.R. No.
Presented by Shri D.E. Vilas
dated 01.12.04

Umedlal Jaiswal, S/o Shri Chainu Ram Jaiswal, aged about 40 years, Block Education Officer, Lormi, District Bilaspur (CG)

Versus

Respondents

1. State of Chhattisgarh Through the Secretary Deptt. Of School Education, D.K.S. Bhavan, Raipur

2. District Education Officer, Bilaspur Distt Bilaspur (CG)

1.12.04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W-P- 9666 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	12.01.2005: - Shri Sandeep Dubey, counsel for the petitioner. Shri Akhil Agrawal, P.L. for the State/respondent. The petitioner who is a Block Education Officer has filed instant petition. He has been transferred to Govt. High School, Mittu Nawagaon, Bilaspur vide order on annexure P/1 on administrative grounds. Learned counsel for the petitioner submits that the petitioner is working as a Block Education Officer but he has been transferred to Govt. High School which has no post of Block Education Officer. He further submits that he has been transferred without there being any administrative exigency but only on the basis of political interference and to demonstrate this learned counsel has annexed annexure P/2 and P/3 wherein certain complaints have been made by the Member of Parliament. He further submits that his wife is servicing as a Shiksha Karmi Grade-III in Govt. Primary School village-Ramhepur, Block-Lormi. Learned counsel also points out certain irregularities in serial numbering of the transfer orders. I have heard learned counsel for the petitioner and for the State and also perused the transfer order. From the perusal of the petition it appears that the petitioner is working as a Block Education Officer since 26.12.2001 and now he is posted at the present place of posting. Transfer is an incidence of service and the Apex Court has time and again held that the Court should not interfere in the matters of transfer unless it is shown that it is prohibited or it has been done malafidely. In this regard, **2003 volume 4 SCC 3104** is relied upon by the State counsel. Considering the facts and circumstances of the case, I am of the opinion that the instant petition has no merits and it deserves to be dismissed and it is accordingly dismissed. Sd/- DHIRENDRA MISHRA Judge	

GR.PRJ—FS/78 — 9/2000 —50,000.

14.1.05 — 14.1.05